

AGENDA ITEM #12
June 25, 2013

Introduction

MEMORANDUM

June 21, 2013

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: **Introduction:** Bill 20-13, General Provisions – Computation of Deadlines

Bill 20-13, General Provisions – Computation of Deadlines, sponsored by the Council President at the request of the County Executive, is scheduled to be introduced on June 25, 2013. A public hearing is tentatively scheduled for July 16 at 1:30 p.m.

Bill 20-13 would clarify how deadlines are computed under Charter, Code, and resolutions and generally amend the law on rules of interpretation of the Code.

This packet contains:

Bill 20-13

Legislative Request Report

Executive transmittal memorandum

Circle #

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Bill No. 20-13
Concerning: General Provisions –
Computation of Deadlines
Revised: 6/20/2013 Draft No. 1
Introduced: June 25, 2013
Expires: December 25, 2014
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) clarify how deadlines are computed under Charter, Code, and resolutions; and
- (2) generally amend the law on rules of interpretation of the Code.

By amending

Montgomery County Code
Chapter 1, General Provisions
Sec. 1-301

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 1-301 is amended as follows:

1-301. Rules of interpretation.

The following rules of interpretation apply to resolutions adopted by the Council, laws enacted by the Council, and the County Charter:

* * *

(c) *How to compute deadlines.* If the Charter or Code or a resolution requires or allows a person to perform an act within a specific time period measured in days, the person must compute the deadline in the following manner:

- (1) Count the day after the event as the first day of the period, if the period follows an event.
- (2) Count the remaining number of days in the period. However, if the period is 7 days or less, omit Saturdays, Sundays, and legal holidays.
- (3) Do not count the last day if it is a Saturday, Sunday, or legal holiday or if the office where the person must file a paper or perform an act is not open during the regular hours of that office.

* * *

LEGISLATIVE REQUEST REPORT

Bill 20-13, General Provisions – Computation of Deadlines

DESCRIPTION:	Clarifies how the computation of time applicable to the County Charter and Council resolutions is to be calculated.
PROBLEM:	From time to time, interpretation issues have arisen regarding the computation of time for the County Executive to act under Charter § 208, which provides that the County Executive “within ten days of receiving [legislation] shall approve or disapprove it.” While the Charter designates this time period, it is silent on how to treat holidays and weekends in computing the time periods. In 2006, Charter § 208 was amended to authorize the Council to enact a law to determine how time is to be computed. The Bill would add the Charter (and Council resolutions) to the provisions in Montg. Co. Code § 1-301(c), which addresses how to compute the deadline for performing an act “within” a specific time period that is measured in days. The Charter (and Council Resolutions) are already included in § 1-301(d) for calculating time when an act must occur “by” a particular date. The amendment would make both interpretation provisions applicable to the time periods that appear in the Charter, the Code, or a resolution.
GOALS AND OBJECTIVES:	Clarify how time deadlines in the Charter and Council resolutions are to be calculated.
COORDINATION:	Office of the County Attorney
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	Not applicable.
SOURCE OF INFORMATION:	Marc P. Hansen, County Attorney Karen L. Federman Henry, Division Chief 240 777 6700
APPLICATION WITHIN MUNICIPALITIES:	Not applicable.
PENALTIES:	Not Applicable.



072705

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

May 23, 2013

TO: Nancy Navarro
Council President

FROM: Isiah Leggett
County Executive

SUBJECT: Proposed Legislation to Clarify Measurement of Time

RECEIVED
MONTGOMERY COUNTY

MAY 24 PM 2:20

I am transmitting for Council introduction a bill that clarifies how to compute certain periods of time referenced in the County Charter (Charter) or Council resolutions. I am also attaching a Legislative Request Report for the bill.

Section 208 of the Charter establishes a 10-day period for the County Executive to approve or disapprove of legislation enacted by the County Council. It also establishes a 60-day period for the Council to override a decision by the County Executive to disapprove legislation. However, Section 208 does not establish how to treat intervening holidays and weekends for the purpose of computing these time periods. In 2006, Section 208 was amended to authorize the Council to enact a law to determine how these time periods should be measured.

The attached bill implements the 2006 Charter amendment by making Section 1-301(c) of the County Code applicable to time periods established in the Charter. Section 1-301(c), which is currently applicable only to time periods established in the County Code, establishes how to compute a deadline for performing an act "within a specific time period measured in days." The bill also makes Section 1-301(c) applicable to time periods established in Council resolutions.

It is interesting to note that Section 1-301(d) of the County Code already applies to deadlines established in the Charter, the County Code, or a resolution when an act must occur "by a specific date". By enacting the attached bill, Council will bring consistency to the manner in which all time periods and deadlines are measured regardless of whether they are established under the Charter, the County Code, or a resolution.

If you have any questions about the bill, please contact County Attorney Marc Hansen at 240-777-6740.

Attachments (2)

c: Marc Hansen, County Attorney

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